

REDACTED

BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF CALIFORNIA

In the Matter of the Accusation
Against:

JACK EGLIN, M.D.,

Respondent.

NO. D-1222

OLA 23603

DECISION

This matter came on regularly for hearing before the Board of Medical Examiners, a quorum being present, at Los Angeles, California, on August 17, 1970, at the hour of 9:00 a.m., John A. Willd, Hearing Officer with the Office of Administrative Procedure, presiding. Henry Lewin, Deputy Attorney General, appeared on behalf of the Board of Medical Examiners. The respondent appeared in person and was represented by L. J. Arden, his attorney. Evidence was received by the Board and thereafter upon motion by respondent the matter was continued in order to provide respondent an opportunity to submit certain material to the Board. Thereafter, the matter again came on for hearing before the Board of Medical Examiners. A quorum consisting of those who had heard the entire matter being present, at Los Angeles, California, on November 16, 1970, at the hour of 9:00 a.m., with John A. Willd presiding and both counsel and respondent being present. Evidence both oral and documentary having been received, the matter was submitted, and the Board finds the following facts:

I

Wallace W. Thompson is the Executive Secretary of the Board of Medical Examiners of the State of California, and made the Accusation herein in his official capacity.

II

Respondent Jack Eglin, M.D., has been issued a physician's and surgeon's certificate by the Board, and at all times mentioned herein respondent was, and now is, licensed to practice medicine and surgery in the State of California.

III

As of November 14, 1968, and for some time prior thereto, respondent has been a participant in the California Medical Assistance Program as a provider of the services rendering services as a licensed physician and surgeon to persons eligible to receive benefits under the California Medical Assistance Program. In this capacity and under such program, respondent did submit to the Department of Health Care Services through its fiscal intermediary agent California Physicians' Service a bill for an alleged surgery performed on or about November 6, 1968, on one Carolyn C. [REDACTED] at Bellflower Community Hospital, Bellflower, California, when in truth and in fact, respondent did not perform any surgery on Carolyn C. [REDACTED] on November 6, 1968, nor at any other time.

IV

On or about November 14, 1968, respondent, a participant in the California Medical Assistance Program as a provider of services to persons eligible to receive benefits under the California Medical Assistance Program, did submit to the Department of Health Care Services through its fiscal intermediary agent California Physicians' Service a bill for

assisting in an alleged surgery performed on one Carolyn C. [redacted] on or about November 6, 1968, at Bellflower Community Hospital, Bellflower, California, when in truth and in fact respondent did not assist in the performance of any surgery on Carolyn C. [redacted] on November 6, 1968, nor at any other time.

V

Respondent did knowingly sign certificates and other documents directly related to the services claimed by respondent as described above.

VI

In March 19, 1969, respondent as a participant in the Medical Assistance Program did submit to the Department of Health Care Services through its fiscal intermediary a bill for assisting in an alleged surgery performed on one Irma W. [redacted] on or about March 10, 1969, at Bellflower Community Hospital, Bellflower, California. It was not established by a preponderance of the evidence that the billing submitted in this instance was improper.

VII

Respondent is now 56 years of age. He has been engaged for several years in the general practice of medicine. Some time in 1967 respondent was approached by two individuals who offered to serve as respondent's office managers and to maintain all of the necessary records relating to respondent's practice of medicine. It was anticipated that respondent with the assistance of his managers would start neighborhood medical clinics which would operate 24 hours a day. Respondent did join in this venture and four such clinics were established. Respondent employed various individuals to staff the clinics and sought out various surgeons to perform the necessary

surgeries for respondent's patients. The arrangements with the various surgeons were not always identical; however, in general respondent would do all of the billing to insurance companies or to the State of California, and for this service would retain a portion of the fee charged for the services of the surgeon. At the present time respondent has virtually no specific knowledge regarding the precise operation of his business. Much of this burden was assumed by his managers. In any event, respondent's practice increased dramatically, and during 1968 it is respondent's opinion that he grossed approximately one million dollars from his practice. During 1968 and 1969, respondent held a total of fourteen provider numbers under which respondent would bill the California Medical Assistance Program for his services. For some reason which respondent cannot now fully explain, respondent's income was not sufficient to meet respondent's expenses. As a result respondent is now proceeding with a Chapter 11 Bankruptcy and the result of this proceeding has not been finally resolved.

VIII

Respondent has closed all but one of his clinics. He now maintains a small one-man general practice of medicine and he is endeavoring to support his family and pay off some of the many obligations which he now faces.

* * * * *

Pursuant to the foregoing findings of fact, the Board makes the following determination of issues:

I

Respondent has been guilty of unprofessional conduct as defined in Sections 2361(e) and 2411 of the Business and Professions Code as to those bills submitted to the Department

of Health Care Services relating to the patient Carolyn C [REDACTED]. The Board is entitled to impose disciplinary action pursuant to the authorities set forth in Sections 2360 and 2361 of the Business and Professions Code.

II

It was not established that respondent's license is subject to disciplinary action as a result of the bills submitted relating to the patient Irma W [REDACTED].

III

The facts submitted by respondent have been considered by the Board in making the order herein set forth.

* * * * *

WHEREFORE, THE FOLLOWING ORDER is hereby made:

The license heretofore issued to respondent Jack Eglin, M.D., by the Board of Medical Examiners authorizing him to practice medicine and surgery is hereby revoked; provided, however, the execution of this order of revocation is stayed and the respondent is placed on probation to the Board for a period of five (5) years upon the following terms and conditions:

1. The respondent shall comply with the laws of the United States, the State of California and its political subdivisions and with the rules and regulations of the Board of Medical Examiners.

2. The respondent shall report in person to the Board of Medical Examiners annually at its regular summer meetings held in Los Angeles, California, commencing in the year 1971.

In the event respondent does not comply with the conditions of probation hereinabove set forth and during the period of probation the Board of Medical Examiners after notice to respondent and opportunity to be heard may terminate said probation effectively immediately or make such other order

modifying or changing the terms of probation herein as it deems just and reasonable in its discretion.

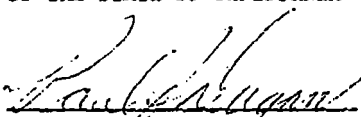
Upon expiration of the period of probation the stay of the order of revocation will become permanent and respondent's license fully restored.

This Decision shall become effective on the 27th day of January 1971.

IT IS SO ORDERED THIS 28th day of December, 1970.

BOARD OF MEDICAL EXAMINERS
OF THE STATE OF CALIFORNIA

DATED: December 28, 1970. By:


PAUL J. DUGAN, M.D.
Secretary-Treasurer

JAW:vlb

REDACTED

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7 Attorneys for Complainant

8 BEFORE THE BOARD OF MEDICAL EXAMINERS
9 OF THE STATE OF CALIFORNIA

10
11 IN THE MATTER OF THE ACCUSATION
12 AGAINST:

13 JACK EGLIN, M.D.

14 Respondent.

NO. D-1222

FIRST AMENDED AND
SUPPLEMENTAL ACCUSATION

15
16 COMES NOW WALLACE W. THOMPSON, the complainant herein
17 and files this First Amended and Supplemental Accusation super-
18 seding the accusation heretofore filed in this matter and alleges
19 as follows:

20 1. That at the time of executing and filing the
21 within pleading, the complainant herein was, and now is, the
22 Executive Secretary of the Board of Medical Examiners of the
23 State of California, and that he performed said acts in his
24 official capacity and not otherwise.

25 2. That respondent JACK EGLIN, M.D., (hereinafter
26 respondent) was heretofore issued a physician's and surgeon's
27 certificate by the board, and at all times herein mentioned
28 respondent was, and now is, licensed to practice medicine and
29 surgery in the State of California.

30 3. That at all times hereinafter mentioned, sections
31 2360 and 2361 of the Business and Professions Code authorized

1 the board to take action against the holder of a physician's
2 and surgeon's certificate who is guilty of unprofessional
3 conduct.

4 4. That at all times hereinafter mentioned unpro-
5 fessional conduct has been defined in section 2361(e) of the
6 Business and Professions Code as the commission of any act
7 involving dishonesty or corruption whether the act is committed
8 in the course of the individual's activities as a certificate
9 holder or otherwise or whether the act is a felony or mis-
10 demeanor.

11 5. That at all times hereinafter mentioned unpro-
12 fessional conduct has been defined in section 2411 of the
13 Business and Professions Code as knowingly making or signing
14 any certificate or other document, directly or indirectly,
15 relating to the practice of medicine which falsely represents
16 the existence or nonexistence of a state of facts.

17 6. That respondent has been guilty of unprofessional
18 conduct as defined in said sections 2361(e) and 2411 of the
19 Business and Professions Code in that respondent has committed
20 acts involving dishonesty and corruption in the course of his
21 practice as a physician and surgeon and knowingly made and
22 signed certificates and other documents, directly or indirectly,
23 related to respondent's practice of medicine which falsely
24 represent the existence or nonexistence of a state of facts as
25 more particularly alleged hereinafter:

26 a. That on or about November 14, 1968, respondent,
27 a participant in the California Medical Assistance
28 Program as a provider of services rendering services as
29 a licensed physician and surgeon to persons eligible to
30 receive benefits under the California Medical Assistance
31 Program, submitted to the Department of Health Care

1 Services through its fiscal intermediary agent
2 California Physicians' Service a bill for an alleged
3 surgery performed on or about November 6, 1968, on one
4 Carolyn C [REDACTED], at Bellflower Community Hospital,
5 9542 Artesia Boulevard, Bellflower, California, when in
6 truth and in fact respondent did not perform surgery
7 on Carolyn C [REDACTED] on November 6, 1968, nor at any other
8 time.

9 b. That on or about November 14, 1968, respondent,
10 a participant in the California Medical Assistance
11 Program as a provider of services rendering services as
12 a licensed physician and surgeon to persons eligible to
13 receive benefits under the California Medical Assistance
14 Program, submitted to the Department of Health Care
15 Services through its fiscal intermediary agent California
16 Physicians' Service a bill for assisting in an alleged
17 surgery performed on one Carolyn C [REDACTED] on or about
18 November 6, 1968, at Bellflower Community Hospital, 9542
19 Artesia Boulevard, Bellflower, California, when in truth
20 and in fact respondent did not assist in the performance
21 of any surgery on Carolyn C [REDACTED] on November 6, 1968, nor
22 at any other time.

23 c. That on or about March 19, 1969, respondent,
24 a participant in the California Medical Assistance Program
25 as a provider of services rendering services as a licensed
26 physician and surgeon to persons eligible to receive
27 benefits under the California Medical Assistance Program,
28 submitted to the Department of Health Care Services through
29 its fiscal intermediary agent California Physicians'
30 Service a bill for assisting in an alleged surgery performed
31 on one Irma W [REDACTED] on or about March 10, 1969, at Bellflower

1 Community Hospital, 9542 Artesia Boulevard, Bellflower,
2 California, when in truth and in fact respondent did
3 not assist in any surgery performed on Irma White on
4 March 10, 1969, nor at any other time.

5 WHEREFORE, the complainant prays that the Board
6 of Medical Examiners hold a hearing on the matters alleged
7 herein and following said hearing take such disciplinary
8 action as is provided in section 2372 of the Business and
9 Professions Code, and take such other and further action as
10 may be proper.

11 DATED: This 12th day of September, 1970.

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13
14
15 *Wallace W. Thompson*
16 WALLACE W. THOMPSON, Executive Secretary
17 Board of Medical Examiners of the State
18 of California, Complainant.
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